

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RICHARD WILCOX and
RICHARD D. MORRIS
on behalf of themselves and
all others similarly situated,

Case No. 3:09-CV-659

Plaintiffs,

vs.

ALTERNATIVE ENTERTAINMENT, INC.,

Defendant.

**ORDER GRANTING THE PARTIES JOINT MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT AND PLAINTIFFS'
COUNSEL'S PETITION FOR COSTS AND ATTORNEY'S FEES**

Based on the parties' submissions in support of their Motion for Preliminary Approval of Class Action Settlement, and Class Counsel's Petition for Costs and Attorney's Fees, as well as the record as a whole, IT IS ORDERED THAT:

- (1) Preliminarily approval of the Settlement Agreement is granted as the Court finds that the settlement terms negotiated by the Parties and described in the Settlement Agreement are a fair and reasonable resolution of a *bona fide* dispute between Defendant Alternative Entertainment Inc. and all affected employees;
- (2) Plaintiff's are granted leave to file their Third Amended Complaint, and the Third Amended Complaint attached as Exhibit D to the parties' Joint Motion is accepted as filed;

(3) Each of the Fed. R. Civ. P. 23 classes defined in the Settlement

Agreement is certified for settlement purposes pursuant to Fed. R. Civ. P. 23. The Court finds that these classes meet the Fed. R. Civ. P. 23(a) and Fed. R. Civ. P. 23(b)(3) requirements. These Settlement Classes are defined as follows:

The “Michigan Deduction Class” is defined as any and all persons employed by the Company in Michigan as a technician at any time during the period of October 29, 2006 through and including August 6, 2010;

The “Michigan Overtime/Minimum Wage Class” is defined as any and all persons employed by the Company in Michigan as a COV or POV technician at any time during the period of October 29, 2006 through and including August 6, 2010;

The “Wisconsin Deduction Class,” is defined as any and all persons employed by the Company in Wisconsin as a technician at any time during the period of December 22, 2003 through and including August 6, 2010;

The “Wisconsin Overtime/Minimum Wage Class” is defined as any and all persons employed by the Company in Wisconsin as a COV or POV technician at any time during the period of October 29, 2006 through and including August 6, 2010.

(4) Richard Wilcox shall serve as representative of the Wisconsin

Overtime/Minimum Wage Class;

(5) Richard Morris shall serve as representative of the Wisconsin

Overtime/Minimum Wage Class as well as the Wisconsin Deduction Class;

(6) Dewey Stevenson shall serve as representative of the Michigan

Overtime/Minimum Wage Classes as well as the Michigan Deduction Class;

(7) The law firms of Hawks Quindel, S.C., Axley Brynelson, LLP, and Gingras, Cates & Luebke, S.C., are hereby appointed as class counsel for the above certified classes;

(8) The Court approves the Notice of Class Action Settlement attached as Exhibit E to the parties' Joint Motion, and the Claim Form attached as Exhibit F to the parties' Joint Motion.

(9) The Court appoints Rust Consulting Services, Inc. as the settlement claims administrator and approves the notice procedure as set forth in Section 3.2 of the Settlement Agreement, including the claim, exclusion and objection procedures set forth in paragraphs C through G thereto. The notice and notice procedure meet the requirements of the federal law and due process, as it is the best notice practicable under the circumstances and shall constitute due and sufficient notice to all individuals entitled thereto.

(10) Class Counsel's petition for costs and attorney's fees of \$776,666.67, or 33.33% of the Maximum Settlement Amount of \$2.33 million is approved, as the Court finds the fee is reasonable and appropriate based on Fed. R. Civ. P. 23, and applicable precedent from the United States Supreme Court and the Seventh Circuit Court of Appeals;

(11) The Court will conduct a fairness hearing at a date and time to be determined by the Court, but in no event later than March 18, 2011.

Dated this _____ day of October 2010.

By: _____
Honorable Barbara B. Crabb
U.S. District Court, Western District of Wisconsin